



Republic of Namibia
Annotated Statutes

Karakul Pelts and Wool Act 14 of 1982

(OG 4707)

brought into force on 22 November 1982 by AG 30/1982 (OG 4709)

as amended by

Karakul Pelts and Wool Amendment Act 15 of 1986 (OG 5237)

came into force on date of publication: 21 July 1986

Second Karakul Pelts and Wool Amendment Act 22 of 1986 (OG 5277)

came into force on date of publication: 20 October 1986

State-owned Enterprises Governance Act 2 of 2006 (GG 3698)

brought into force on 1 November 2006 by Proc. 13/2006 (GG 3733);

amended and re-named the Public Enterprises Governance Act
by Act 8 of 2015 (GG 5835)

ACT

To establish a South West African karakul board and to define its objects, powers, functions and duties, and to provide for control over the classification, sale, marketing, packing, importation and export of and the imposition of levies in respect of karakul pelts or wool, and to provide for other incidental matters.

(Afrikaans text signed by the Administrator General on 18 November 1982)

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BE IT ENACTED by the National Assembly of South West Africa, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates -

“board” means the Karakul Board of South West Africa established by section 2;

“committee” means a committee appointed under section 9(1)(a);

“inspector” means an inspector appointed under section 10(1)(g);

“karakul pelt” means a flayed, cured or processed karakul lamb pelt or any portion thereof intended for the fur trade;

“Marketing unit” means any marketing unit referred to in section 12(1);

[The word “marketing” should not be capitalised.]

“premises” includes any vehicle, aircraft or vessel;

“prescribed” means prescribed by or under this Act;

“process” means

- (a) in relation to karakul pelts, subject to a tanning process or to any other similar process in which the skin and the hair are not separated from each other;
- (b) in relation to wool, subject to any mechanical or chemical process other than mechanical sorting,

and “processing” or “processor” shall have a corresponding meaning;

“producer” means -

- (a) in relation to karakul pelts, any person by whom or on whose behalf karakul pelts are produced;
- (b) in relation to wool, any person by whom or on whose behalf wool is produced and includes, except in section 4(1)(a) -
 - (i) in relation to wool acquired from any person as a consideration for the right to use land on which such person has produced wool or as remuneration for services rendered to a producer of wool, the person who so acquired such wool;
 - (ii) in relation to wool imported into the territory, the person who imported it;
 - (iii) in relation to wool shorn from an animal or removed from a skin, the owner of such animal or skin;
 - (iv) in relation to wool on skins, the person on whose behalf the skin has been flayed;
 - (v) in relation to dead wool collected by any person, the person on whose behalf the wool has been collected;

“sell” includes -

- (a) attempt or agree to sell;
- (b) mark with a selling price;
- (c) export, offer, advertise, keep, exhibit, transmit, convey, deliver or prepare for sale;
- (d) exchange;
- (e) dispose for any consideration whatsoever; or
- (f) export, transmit, convey or deliver in pursuance of any sale, exchange or disposal as aforesaid,

and “sale” shall also have a corresponding meaning;

“territory” means the territory of South West Africa;

“this Act” includes any regulation made under section 22 and any notice published in the *Official Gazette* under section 10(2) or 18;

“wool” means the shorn natural coat of the sheep (*genus ovis*) and includes wool on flayed skins.

Establishment of board

2. There is hereby established a board to be known as the Karakul Board of South West Africa which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties in terms of this Act.

Objects of board

3. The objects of the board shall be to promote the interests of the karakul industry and the wool industry in the territory and elsewhere.

Constitution and advisers of board

4. (1) The board shall be constituted, and its member, including the chairperson and the vice-chairperson of the board, shall be appointed in accordance with, and for a period as determined under, sections 14 and 15 of the Public Enterprises Governance Act, 2006, but the membership of the board shall include -

- (a) four persons who are producers of karakul pelts or wool selected by the Minister from amongst persons nominated at the Minister's request by any body or organization which in the Minister's opinion is representative of such producers;
- (b) one person who is a member of the Karakul Breeders Association of Southern Africa (Northern Region) selected by the Minister from amongst persons nominated at the Minister's request by that Association; and
- (c) one person selected by the Minister from amongst persons nominated at the Minister's request by any body or organization which in the Minister's opinion is representative of persons engaged in the marketing of karakul pelts.

(2) If a body or organization referred to in subsection (1) does not exist or fails to make a nomination in terms of that subsection and within the period specified in the request concerned, the Minister may appoint such persons as the Minister may deem fit to be members of the board in terms of that subsection.

(3) The Minister, after consultation with the body or organization concerned referred to in subsection (1), may appoint any person whom the Minister deems fit to act as a member of the board -

- (a) in the stead of a member of the board during the absence of the member; or
- (b) for as long as there is a vacancy in the membership of the board.

(4) The board may from time to time and for such period as it may determine, appoint any person to advise the board in the exercise of its powers or the performance of its functions or duties and the Minister may so appoint any person by virtue of his or her knowledge of the international fur trade.

[Section 4 is amended by Act 15 of 1986 and substituted by Act 2 of 2006, as amended by Act 8 of 2015. The Public Enterprises Governance Act referred to is Act 2 of 2006. The substituted section uses the terms "chairperson" and "vice-chairperson", but the remainder of the Act continues to use the terms "chairman" and "deputy chairman".]

5.

[section 5 deleted by Act 2 of 2006]

Vacation of office by member of board

6. Any member of the board shall vacate office if -

- (a) he signifies in writing his wish to resign;
- (b) his estate is sequestrated or he compromises with his creditors;
- (c) he is detained as a mentally ill person under the provisions of any law;
- (d) he is convicted of any offence and sentenced to a term of imprisonment without the option of a fine;
- (e) he has been absent from more than three consecutive meetings of the board without its leave;
- (f) the Council of Ministers after consultation with the board removes him from office for such reasons as in the opinion of the Council of Ministers may be good and sufficient reasons.

Chairman and deputy chairman of board

7. (1)

[subsection (1) deleted by Act 2 of 2006]

(2) If the chairman is for any reason unable to act as chairman, the deputy chairman shall act in his stead.

(3) If the chairman and the deputy chairman are absent from any meeting of the board or are unable to preside, the members present shall elect one of themselves to preside at such meeting and the person so elected to preside, shall perform all the duties of the chairman during such meeting and until the chairman or deputy chairman resumes his official duties.

Meetings of board

8. (1) The first meeting of the board shall be held at such time and place as the Council of Ministers may determine and all subsequent meetings shall, subject to the provisions of subsection (2), be held at such times and places as the board may from time to time determine.

(2) The chairman of the board may at any time and shall at the request of not less than three members of the board convene a special meeting of the board to be held at such time and place as the chairman may determine, which time in the case of any such request shall be within twenty-one days after the date on which the request has been made.

(3) A majority of the members of the board shall form a quorum for a meeting of the board.

[subsection (3) substituted by Act 2 of 2006]

(4) All resolutions at any meeting of the board shall be by majority vote of the members present and in the case of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(5) No resolution passed by the board or act performed on the authority of the board shall be invalid merely by reason of a vacancy in the board or the fact that any person who is not entitled to sit as a member of the board, sat as such a member when the resolution was passed or

the act was authorized, if the resolution was passed or the act was authorized by the required majority of the members of the board then present and entitled to sit as members.

Committees of board

9. (1) The board may -

- (a) from time to time appoint from amongst its members any committee to assist the board in the exercise of any of its powers or the performance of any of its functions or duties;
- (b) designate any member of any committee to be chairman thereof;
- (c) during the absence of the chairman designate any such member to be acting chairman.

(2) The chairman of the board shall *ex officio* be a member of any committee.

(3) The board may assign to any committee such of its powers as it may deem fit, but shall not be divested of any powers which it may have assigned to any committee, and may amend or withdraw any decision of any committee.

(4) Any committee shall exercise its powers and perform its functions and duties in accordance with such directives as the board may from time to time determine.

(5) Any reference in this Act to the board or the chairman thereof in relation to the exercise of any power assigned to any committee by the board, shall be construed as including a reference to such committee or to the chairman thereof, as the case may be.

(6) The provisions of section 8(5) shall *mutatis mutandis* apply in respect of any committee.

Powers of board

10. (1) The board shall have power -

- (a) to employ, subject to the directions of the Council of Ministers, officers for the performance of its functions and the achievement of its objects, and to determine the rights, privileges, duties and responsibilities of such officers;
- (b) to hire or to acquire otherwise than by way of donation or in like manner, any movable property and to let, hypothecate, sell or otherwise dispose of any movable property so acquired;
- (c) with the approval of the Council of Ministers to acquire movable property by way of donation or in like manner;
- (d) with the approval of the Council of Ministers, to hire or acquire immovable property and to let, hypothecate, sell or otherwise dispose of immovable property other than immovable property acquired by way of donation or in like manner;
- (e) to use in such manner as the Council of Ministers may approve, any property acquired by the board by way of donation or in like manner;

- (f) with the approval of the Council of Ministers, to pay to any insurer out of the funds of the board insurance premiums for insurance cover -
 - (i) in respect of bodily injury, incapacity or death being solely and directly the result of any accident occurring in the course of the performance of his official duties by any member or adviser of the board; of

[The word “of” at the end of subparagraph (i) should be “or”.]

- (g) to appoint any of its officers as an inspector to exercise or perform, in any particular case or in general, the powers, functions or duties conferred upon or assigned to an inspector by or under this Act;
- (h) subject to such conditions as the Council of Ministers may approve, to appoint in the territory or elsewhere any persons as agents of the board to assist the board in the performance of its functions and, subject to a right of appeal to the Council of Ministers, to refuse the application of any person to be appointed as agent or to terminate the appointment of any person as agent;
 - (i) (i) with the approval of the Council of Ministers, to take steps with a view to increasing the demand in the territory or elsewhere for karakul pelts or wool or anything derived therefrom;
 - (ii) with such approval, to render assistance by way of donation or loan or in any other manner, to the South West African Agricultural Union or any body or organization which in the opinion of the Council of Ministers is representative of producers of karakul pelts or wool or so to render assistance to any person, body or organization in connection with or in respect of research in regard to the improvement production, preservation, processing, storing, consumption or marketing of karakul pelts or wool or anything derived therefrom or, with the said approval, itself to undertake any such research;
 - (iii) to establish any information service in connection with any industry in respect of karakul pelts or wool and to give advice and guidance in connection with any such industry to producers and other interested parties;
- (j) with the approval of the Council of Ministers, to borrow money necessarily required for the performance of its functions and the achievement of its objects;
- (k) with the approval of the Council of Ministers to require all persons or persons belonging to any category or class of persons concerned with the production, marketing, processing, preservation, preparation or storing of karakul pelts or wool, in respect thereof -
 - (i) to keep specified records and to preserve them for a specified period;
 - (ii) to furnish the board with specified information or returns in a specified manner and at specified times;
- (l) on application in the prescribed form to register as a dealer in or processor of wool, for such period and on such conditions as the board may determine, any person

complying with the prescribed requirements or, subject to a right of appeal to the Council of Ministers, to refuse any such application;

- (m) if it is satisfied that any person registered under paragraph (1) has contravened or failed to comply with this Act or any condition of registration or does not comply with the prescribed requirements, to cancel the registration of such person, subject to a right of appeal to the Council of Ministers;
- (n) with the approval of the Council of Ministers -
 - (i) to prohibit any producer of wool or any such producer of a specified category or class, from selling wool or any specified category or class or quantity thereof except through the agency of the board or to or through the agency of any dealer in wool or processor of wool registered under paragraph (1) or except to the extent to which and in accordance with the conditions on which the board may have granted such producer exemption from the prohibition concerned;
 - (ii) also to specify as a condition of exemption under subparagraph (i), that if, owing to the exemption in respect of the wool concerned, no levy under this Act shall be payable, an amount of money shall be paid by a specified person to the board, equal to not more than the total amount of such levies in respect of the said wool as would have been payable if sold through the agency of the board;
- (o) with the approval of the Council of Ministers -
 - (i) to prohibit any person or any person of any category or class to export from the territory any karakul pelts, except on the authority of and in accordance to the conditions contained in a permit issued by the board;
 - (ii) granted at the request of any body or organization which in the opinion of the Council of Ministers is representative of producers of karakul pelts, also to specify as condition under subparagraph (i) that the karakul pelts to be exported, shall comply with specified requirements as to quality;
- (p) if it is satisfied that the holder of a permit referred to in paragraph (o) has contravened or failed to comply with this Act or any condition of such permit, to cancel such permit, subject to a right of appeal to the Council of Ministers;
- (q) at such price or on such basis as the Council of Ministers may approve, to buy karakul pelts or wool or to acquire wool from a marketing unit for disposal for the benefit of the general account of the board, or to treat or to pack in the prescribed manner or to store, process or prepare for sale or to insure, advertise or convey or to sell in unprocessed or fully or partially processed form at the said price or on the said basis, any karakul pelts or wool so bought or acquired or to withhold it from the market;
- (r) with the approval of the Council of Ministers to act as agent for the receipt or sale of wool, including wool produced by a department, as defined in the Government Service Act, 1980 (Act 2 of 1980), and, on such conditions as the Council of Ministers may approve -

- (i) to purchase packing material and containers required by producers for the marketing of wool;
- (ii) to sell such packing material and containers to producers of wool or to persons who in the course of their business sell such packing material and containers to such producers;
- (iii) to hire out such packing material and containers to producers of wool;
- (iv) to finance out of its funds the manufacture of such packing material and containers or the purchase thereof by such producers or persons;

(s) in performing its functions in the territory or elsewhere, with the approval of the Council of Ministers, to co-operate as partner or otherwise with any body engaged in the marketing or distribution for sale of karakul pelts or wool;

(t) with the approval of the Council of Ministers to prohibit persons of any specified category or class to treat karakul pelts before processing or to slaughter lambs for the production of karakul pelts, except on the authority of and in accordance with the conditions contained and in the manner specified in a permit issued by the board;

(u) to exercise such other powers as may in the opinion of the Council of Ministers be conducive to the achievement of its objects or the proper exercise of its powers or performance of its functions and duties in terms of this Act and as the Council of Ministers may from time to time confer upon it by notice in the *Official Gazette*.

(2) Any requirement under subsection (1)(k) or any prohibition under this section and the date of commencement thereof shall be made known by the board -

- (a) by notice in the *Official Gazette*; or
- (b) by notice to persons affected thereby, in such other manner as the Council of Ministers may from time to time or in any particular case determine.

Appeal to Council of Ministers from decision of board

11. Whenever any decision of the board is in terms of this Act subject to an appeal to the Council of Ministers, any person aggrieved by such decision may, within ninety days after the board has notified him of the decision, appeal against it to the Council of Ministers, and the Council of Ministers may confirm, set aside or amend such decision, or issue in connection therewith such order as it may deem fit.

Marketing of wool by board

12. (1) Whenever any wool which in terms of this Act shall be sold through the agency of the board, is delivered to the board during any specified period fixed from time to time by the board with the approval of the Council of Ministers, the ownership in such wool shall, subject to the provisions of this section and section 10(1)(q), vest in the board and the board shall classify such wool in the prescribed manner and shall, for marketing purposes, assign the wool so classified to separate marketing units consisting of any one or, with the approval of the Council of Ministers, of more than one class of wool so delivered.

(2) For the purpose of financing the functions of the board in connection with any marketing unit, the board may transfer any amount of money from its general account to the wool marketing account which shall be debited with such amount.

(3) (a) As soon as any wool has been assigned under section (1), the board shall, after deducting any extraordinary costs incurred in connection with the receipt or handling thereof, pay to the person by or on whose behalf such wool has been delivered to the board, an advance calculated according to the quantity of every class thereof and the advance value of the class of wool concerned determined by the board with the approval of the Council of Ministers.

(b) After the expiration of the specified period concerned referred to in subsection (1), the board may, with the approval of the Council of Ministers, pay to any person who has received an advance under paragraph (a) in respect of wool delivered during such period, a further advance in respect of the said wool calculated according to the amount of the first-mentioned advance.

(4) The board may in its discretion treat, store, prepare for sale, process, insure, advertise or convey or re-classify or re-pack in the prescribed manner any wool assigned to any marketing unit or take such steps in respect thereof as it may deem it necessary or expedient for the sale thereof, and any costs incurred by the board in respect of such wool shall be debited to the wool marketing account.

(5) The board may transfer any unsold wool in any marketing unit to any other marketing unit consisting of similar wool and shall credit the first-mentioned unit and debit the other unit with such amount as the board may with the approval of the Council of Ministers determine.

(6) As soon as all wool in any marketing unit has been disposed of, the board shall determine the net proceeds of the wool assigned to such unit by deducting from the gross proceeds thereof all costs incurred by the board in connection with such wool.

(7) The net proceeds referred to in subsection (6) shall be divided amongst the persons whose wool has been assigned to the marketing unit concerned, in proportion to the several amounts paid to them under subsection (3)(a) as advances in respect of the said wool and every one of such persons shall be paid his portion after deduction of all advances paid to him under subsection (3) and of any amounts due by him to the board in terms of this Act.

(8) If when closing the account of any marketing unit a surplus remains which in the opinion of the board is so small that division thereof is not warranted, it may be disposed of in such manner as the Council of Ministers may determine.

Inspectors

13. (1) The board shall furnish any inspector with a certificate stating that he has been appointed as an inspector under this Act and which he shall in exercising his powers under this Act, produce on demand.

(2) In order to ascertain whether or to ensure that the provisions of this Act or any directions issued thereunder are being complied with, or in order to obtain evidence in connection with the non-compliance with the said provisions or directions, any inspector may -

(a) at all reasonable times enter upon any premises -

- (i) occupied by any person being or suspected of being a producer of karakul pelts or wool or any person trading or suspected of trading in karakul pelts or wool;
- (ii) in or on which karakul pelts or wool are being or are suspected of being kept, sold, produced, processed, treated, prepared, classified, packed or marked by any person;

(b) in or on any premises referred to in paragraph (a) -

- (i) put to any person therein or thereon such questions as he may deem necessary, and inspect the activities in connection with the keeping, selling, production, processing, treatment, preparation, classification, packing, or marking of karakul pelts or wool;
- (ii) examine or inspect karakul pelts or wool or any book, document or record relating thereto found by him therein or thereon and make copies of or extracts from any such book, document or record;

(c) request any person referred to in paragraph (a), at such time and place as the inspector may determine-

- (i) to point out all karakul pelts or wool in his possession or under his control;
- (ii) to produce to the inspector for the purpose of examination or of making copies or extracts, all books, documents or records in his possession or under his control, relating to such karakul pelts or wool; or
- (iii) to reply to questions in connection with the last mentioned karakul pelts, wool, books, documents or records and those referred to in paragraph (b) or entries in such books, documents or records;

(d) seize and remove any karakul pelts, wool, books, documents or records or any portion thereof, referred to in paragraph (c)(iii) which in his opinion may furnish proof of a contravention of any provision of this Act or any direction issued thereunder or leave it on the premises concerned after an identification mark has been put thereon or on the container thereof;

(e) take a sample of any karakul pelts or wool referred to in paragraph (c)(iii) and examine, analize or classify it or cause it to be examined analized or classified;

**[The words “analyse” and “analysed” are misspelt
in the *Official Gazette*, as reproduced above.]**

(f) classify, pack or mark or re-classify, re-pack or remark in accordance with the requirements of this Act any karakul pelts or wool in or on any premises referred to in paragraph (a), or request the person in charge of any such premises or any employee or agent of such person to cause the said karakul skins or wool to be so classified, packed or marked or re-classified, re-packed or re-marked;

(g) whenever acting under this section, be accompanied by and avail himself of the services of an assistant or interpreter or any member of any police force.

Banking accounts and accounting

14. (1) The board shall open with a banking institution in the territory or elsewhere approved of by the Council of Ministers -

- (a) a karakul pelt account in which there shall be deposited all levies in respect of karakul pelts;
- (b) a wool account in which there shall be deposited all levies in respect of wool;
- (c) a wool marketing account in which there shall be deposited all monies received for or in respect of the wool marketing units;
- (d) such other account for such other purpose as the Council of Ministers may at the request of the board from time to time approve;
- (e) a general account in which there shall be deposited all moneys received by the board other than moneys referred to in paragraph (a), (b), (c) or (d).

(2) Moneys standing to the credit of the accounts referred to in subsection (1) and not required for immediate use or as a reasonable working balance, shall be invested in such manner as the Council of Ministers may from time to time determine.

- (3) (a) The moneys in the said accounts shall be under the control of the board, which shall, subject to the directions of the Auditor-General, cause proper account to be kept of all moneys received or expended.
- (b) Separate accounts shall be kept in respect of -
 - (i) each levy;
 - (ii) each marketing unit;
 - (iii) such of its funds as the board may from time to time set aside for any special purpose;
 - (iv) any matter determined by the Council of Ministers after consultation with the board;
 - (v) all matters other than those referred to in subparagraphs (i) to (iv) both inclusive: Provided that separate accounts shall as far as may be practicable be kept of the said matters relating to karakul pelts and those relating to wool.

(4) Subject to the provisions of this Act, the moneys -

- (a) in the accounts referred to in subsection (1)(a) and (b) shall be utilized for the purposes for which the levy concerned has been imposed;
- (b) in the wool marketing account shall be utilized for the performance of the functions of the board in connection with the marketing units concerned and for purposes mentioned in section 12;
- (c) in the account referred to in subsection(1)(d) shall be utilized for the purposes for which it has been opened;

(d) in the general account shall, subject to the provisions of paragraphs (a), (b) and (c) and the directions of the Council of Ministers, be utilized for exercising the powers of the board and performing its functions and duties or, in achieving the objects of the board, for such other purposes as the Council of Ministers may from time to time determine at the request of the board: Provided that any such moneys received in respect of the karakul industry or the wool industry, as the case may be, shall, as far as may be practicable, be utilized in respect of the industry concerned.

(5) The Council of Ministers may authorize the board to transfer moneys in any particular banking account of the board to any other such banking account.

Financial year

15. The financial year of the board shall with effect from 1 April 1987 be the period from 1 April of any year up to and including 31 March of the following year.

**[section 15 amended by Act 22 of 1986;
amendment markings incorrect]**

16.

[section 16 deleted by Act 2 of 2006]

Financial statements, auditing and submission of reports to Council of Ministers and National Assembly

17. (1) The board shall in respect of every account referred to in section 14, cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year.

(2) All accounts of the board and the statement and balance sheet referred to in subsection (1) shall be audited by the Auditor-General.

(3) The board shall in each year, within six months after the close of its financial year, submit to the Council of Ministers a report in regard to its activities during the last preceding calendar year, together with a copy of the audited statement and balance sheet referred to in subsection (1) in respect of the said financial year.

(4) The said report shall within fourteen days of its release, be laid upon the Tables of the National Assembly, or if the National Assembly is not then in session, within seven days after the first day upon which it again assembles.

Levies

18. (1) The Council of Ministers may from time to time on the recommendation of the board, by notice in the *Official Gazette* and with effect from such date as may be mentioned in such notice, impose on such basis and for such purpose in connection with the objects, powers, functions or duties of the board, as may be so mentioned, a levy in respect of any category, class or kind of karakul pelt or wool, or abolish any such levy or alter the amount or basis thereof.

(2) Any such levy shall be payable to the board in the prescribed manner and at the prescribed times by such category or class of persons as may be mentioned in the said notice or on their behalf by any other category or class of persons so mentioned.

(3) Whenever any levy is paid in terms of this section by any person on behalf of any other person, there shall be paid by the board to such first-mentioned person the prescribed commission in respect of the payment concerned and the amount of the levy may be recovered in the prescribed manner from the said other person by such first-mentioned person.

Offences, penalties and presumptions

19. (1) Any person who -

- (a) falsely holds himself out to be an inspector;
- (b) hinders or delays any inspector or any person lawfully accompanying him, when the inspector exercises any of his powers;
- (c) refuses or fails to reply to the best of his ability to any question lawfully put to him by any inspector in the exercise of his powers, or in reply to any such question or in any application made in terms of this Act or in any records kept in terms of this Act makes any statement or furnishes any information or makes any representation knowing it to be false or not knowing or believing it to be true;
- (d) without the consent in writing of an inspector removes from the place where it has been left by him or tampers with or destroys or makes alterations in or to anything seized by such inspector in the exercise of his powers;
- (e) refuses or fails to comply to the best of his ability with any requirement under section 10(1)(k) or any request under section 13(2)(c);
- (f) performs any act in contravention of any prohibition imposed under section 10(1);
- (g) buys wool from any person selling it to him in contravention of a prohibition under section 10(1)(n);
- (h) buys wool other than wool on flayed skins from any producer thereof for the purpose of disposing of it for gain, whether or not in processed form, unless he is registered as a dealer in or processor of wool under section 10(1)(l);
- (i) fails to pay any levy payable by him, referred to in section 18 in the prescribed manner and at the prescribed times; or
- (j) contravenes or fails to comply with any provision of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) If any person is found guilty of any offence for failing to pay any levy, the court convicting him shall at the same time, in addition to any penalty imposed for such offence, order him simultaneously to pay to the board an amount equal to the amount of the levy still owing by him to the board according to evidence adduced at the trial, whereupon such order shall be executed as if it were an order in civil proceedings.

(3) If at the trial of any person charged with a contravention of subsection (1)(h) it is proved that he bought wool from a producer thereof, it shall be deemed until the contrary is proved, that he bought the said wool for the purpose of disposing of it for gain.

Evidence

20. (1) Whenever at the trial of any person charged with any contravention of this Act, the question arises whether or not any person with a particular name -

- (a) has furnished to the board any particular information or any particular return or other document within a particular period; or
- (b) has paid to the board any particular levy or any portion thereof within any particular period; or
- (c) is registered with the board; or
- (d) is the holder of any particular permit issued under this Act,

any document in writing purporting to be an affidavit of any person alleging in such affidavit that he is an employee of the board and that no person with the said name has furnished the said information or return or other document to the board within the said period, or has paid the said levy or any portion thereof to the board within the said period, or is registered with the board or is the holder of a particular permit issued under this Act, as the case may be, shall on its mere production at such trial by any person, be *prima facie* evidence of the facts mentioned therein.

(2) At any trial referred to in subsection (1) a certificate stating the result of any examination, analysis, grading or other classification made by virtue of the provisions of this Act and purporting to have been signed by the person who made the examination, analysis, grading or classification, shall be *prima facie* evidence of the facts mentioned therein.

Jurisdiction of magistrates court

[There should be an apostrophe in the word “magistrate’s”, as in the text below.]

21. Any magistrate’s court shall, notwithstanding anything to the contrary in any law contained, have jurisdiction to make any order or impose any penalty provided for by this Act.

Regulations

22. (1) The Council of Ministers may make regulations not inconsistent with this Act, relating to -

- (a) the form and manner of appealing to the Council of Ministers against any resolution of the board;
- (b) an appeal to the board against the classification of wool and the period and manner in which any such appeal shall be noted;
- (c) the manner of taking samples by an inspector for the purposes of this Act;
- (d) all matters which shall or may under this Act be prescribed or which the Council of Ministers deems it necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) Different regulations may be made in respect of different categories or classes of persons, karakul pelts or wool or different areas.

Application of certain provisions relating to wool also to karakul pelts

23. The Council of Ministers may from time to time at the request of the board and after consultation with any body or organization which in the opinion of the Council of Ministers is representative of producers of karakul pelts, by notice in the *Official Gazette* *mutatis mutandis* apply also in relation to karakul pelts, for such period and to such extent and in such manner as may be stated in the notice, any provision of this Act mentioned in the notice applying in relation to wool only.

Transfer of assets and liabilities of old board to new board

24. All assets, liabilities, rights and duties of the Karakul Board of South West Africa (hereinafter in this Act referred to as the old board) referred to in Proclamation R.172 of 1968, shall without payment of transfer duty or other taxes or moneys and notwithstanding anything to the contrary in any other law contained, become the assets, liabilities, rights and duties of the board, and the several banking accounts of the board shall, on such basis as the Council of Ministers may determine, be credited with the moneys in the several funds under the control of the old board or accruing to those funds or which would so have accrued if this Act had not been enacted.

Certain provisions shall bind the State

25. The provisions of this Act other than penal provisions, shall in as far as such first-mentioned provisions relate to the imposition or payment of any levy shall bind the State.

Repeal of laws and savings

26. (1) The Marketing Act, 1968, (Act 59 of 1968), and any scheme in operation thereunder, in so far as such Act or scheme relates to karakul pelts or wool are hereby repealed.

(2) Any regulation made or any levy or prohibition imposed or any permit, exemption or certificate issued or any registration or appointment made under any provision of any law or scheme repealed by this Act or any regulation made thereunder, which could be made, imposed or issued under a corresponding provision of this Act, shall be deemed to have been made, imposed or issued under the said corresponding provision, and any reference in or in respect of any such regulation, levy, prohibition, permit, exemption, certificate, registration or appointment -

- (a) to the old board shall be construed as a reference to the board;
- (b) to any law or scheme repealed by this Act shall be construed as a reference to this Act;
- (c) to the holder of any office shall be construed as a reference to the holder of a similar office under this Act.

Short title and commencement

27. This Act shall be called the Karakul Pelts and Wool Act, 1982, and shall come into operation upon a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.